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Attorneys for Plaintiff FINISAR CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FINISAR CORPORATION, a Delaware
corporation,

Plaintiff,

v.

U.S. BANK TRUST NATIONAL
ASSOCIATION, a national banking
association, not in its individual capacity,
but solely in its capacity as Indenture
Trustee in behalf of all Holders of Finisar
Corporation's 5¼% Convertible
Subordinated Notes due 2008, 2½%
Convertible Senior Subordinated Notes due
2010, and 2½% Convertible Subordinated
Notes due 2010; and DOES 1 through 10,
inclusive,

Defendants.

AND RELATED COUNTERCLAIMS.

Case No. 5:07-CV-04052-JF (PVT)

**PLAINTIFF FINISAR CORPORATION'S
SUPPLEMENTAL REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
ITS MOTION FOR SUMMARY
JUDGMENT**

Date: **Friday, July 11, 2008**
Time: **9:00 a.m.**
Courtroom: **3**

District Judge: Hon. Jeremy Fogel
Magistrate Judge: Hon. Patricia V. Trumbull

Complaint Filed: June 22, 2007
Trial Date Set: None Yet

1 Plaintiff Finisar Corporation ("Finisar") respectfully request that the Court take judicial
2 notice, in connection with "Plaintiff Finisar Corporation's Motion for Summary Judgment," of
3 the following:

4 1. Excerpts from the Form 10-K for the fiscal year ended April 30, 2002, filed by
5 Finisar with the United States Securities and Exchange Commission ("SEC") on July 29, 2002,
6 truly and correctly reproduced as Exhibit "A" hereto;

7 2. Excerpts from the Form 10-K for the fiscal year ended April 30, 2003, filed by
8 Finisar with the SEC on July 29, 2003, truly and correctly reproduced as Exhibit "B" hereto;

9 3. Excerpts from the Form 10-K for the fiscal year ended April 30, 2004, filed by
10 Finisar with the SEC on July 14, 2004, truly and correctly reproduced as Exhibit "C" hereto;

11 4. Excerpts from the Form 10-K/A for the fiscal year ended April 30, 2004, filed by
12 Finisar with the SEC on August 27, 2004, truly and correctly reproduced as Exhibit "D" hereto;

13 5. Excerpts from the Form 10-K/A for the fiscal year ended April 30, 2004, filed by
14 Finisar with the SEC on February 10, 2005, truly and correctly reproduced as Exhibit "E" hereto;

15 6. Excerpts from the Form 10-K for the fiscal year ended April 30, 2005, filed by
16 Finisar with the SEC on July 29, 2005, truly and correctly reproduced as Exhibit "F" hereto; and

17 7. Excerpts from the Form 10-K for the fiscal year ended April 30, 2006, filed by
18 Finisar with the SEC on July 14, 2006, truly and correctly reproduced as Exhibit "G" hereto.

19 DATED: June 27, 2008

Respectfully submitted,

20 Sterling A. Brennan
21 L. Rex Sears
WORKMAN NYDEGGER A PROFESSIONAL CORPORATION

22 Caroline McIntyre
23 BERGESON, LLP

24 By /s/ Sterling A. Brennan
25 Sterling A. Brennan
Attorneys for Plaintiff FINISAR CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:
D. Anthony Rodriguez, drodriguez@mofo.com; Abby E. Wilkinson, awilkinson@faegre.com; Eva K. Schueller, eschueller@mofo.com; Michael B. Fisco, mfisco@faegre.com; Edward T. Wahl, ewahl@faegre.com and Paul T. Friedman, pfriedman@mofo.com.

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/s/ Sterling A. Brennan

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